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October 3, 2011

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: **Docket No. AB-55 (Sub-No. 717X), CSX Transportation, Inc.—Abandonment
Exemption—in Miami-Dade County, FL**

Dear Ms. Brown,

CSX Transportation, Inc. ("CSXT") is submitting this comment in response to the Environmental Assessment in *CSX Transportation, Inc.—Abandonment Exemption—in Miami-Dade County, FL*, Docket No. AB-55 (Sub-No. 717X) (STB served September 16, 2011) (the "EA").

CSXT filed a notice of exemption on August 22, 2011 to abandon an approximately 0.95-mile rail line on its Southern Region, Jacksonville Division, Miami Subdivision, between milepost SX 1036.8 and milepost SX 1037.5, at the end of the track, including approximately 1,300 feet of connection track beginning 150 feet from the point of switch near milepost SXH 37.0, in Miami, Miami-Dade County, FL (the "Line"). CSXT is responsible for providing the rail freight common carrier operations over the Line. However, the real estate and track and materials are owned by the Florida Department of Transportation ("FDOT"). CSXT has no right to remove the track and materials from the Line or any right to disturb the soil underlying the Line.

The Miami-Dade County Department of Environmental Resources Management ("DERM") submitted comments on the Environmental Report that CSXT prepared stating that: "CSX should ensure that salvage activities on the Line be conducted as follows: ... Phase I and Phase II reports addressing soil and groundwater impacts must be submitted for review by DERM's Pollution Control Division." *EA* at 4. Without analysis or explanation the Board's Office of Environmental Analysis ("OEA") recommended that the Board impose the condition sought by DERM on CSXT.

In a typical abandonment, CSXT will only salvage the line down to the sub-ballast. CSXT will not disturb the underlying soil. Such salvage does not warrant the requirement of preparing and submitting Phase I and Phase II reports. In this proceeding, CSXT will not even salvage the track and materials on the Line. That will be done, if at all by FDOT, the owner of the Line including the track and materials. Therefore, the burden of preparing and submitting a

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Phase I and Phase II report should not be imposed on CSXT for salvage performed by FDOT on land owned by FDOT.

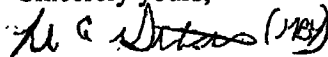
CSXT will not excavate soil or generate waste that is environmentally sensitive as a result of the proposed abandonment. FDOT will conduct salvage of the Line. If there are environmental issues to be resolved in Florida between two governmental agencies, CSXT contends that it is appropriate for the conditions to be imposed by DERM on FDOT. CSXT also contends that it is inappropriate for DERM to request the Board to impose conditions on CSXT and for the Board to impose conditions on CSXT involving activities that FDOT will take, which go above and beyond those associated with CSXT's abandonment of the Line, especially when CSXT is not involved in those activities.

Removal of the track that CSXT has operated over is substantially different than the plans of FDOT. Termination of rail service by CSXT will not cause environmental disturbances.

CSXT respectfully requests the Board to decline to impose the condition proposed by OEA that CSXT provide Phase I and Phase II reports for activities to be engaged in by FDOT.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Louis E. Gitomer" with a stylized flourish at the end.

Louis E. Gitomer, Esq.
Attorney for CSX Transportation, Inc.